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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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03/31/2004

John Patrick Costello

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7590

08/20/2009

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EXAMINER

OSELE, MARK A

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/813,873	Applicant(s) COSTELLO ET AL.	
	Examiner Mark A. Osele	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 14-17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandon et al. (U.S. Patent 5,766,389) in view of Travers et al. (U.S. Patent 6,129,264) or Shibuya et al. (U.S. Patent 5,906,156), Yeo (U.S. Patent 5,503,076), Machida et al. (U.S. Patent 6,732,778), and Olson et al. (U.S. Patent 6,297,424). Brandon et al. teaches, a method of printing a moving substrate comprising: supplying a moving substrate (figure 5, moving substrate '66,') to a first converting operation (figure 5, moving substrate '66,' and column 2, lines 24-32, and column 13, lines 15-19); printing (column 12, lines 25-27) at least one first graphic on the moving substrate (figure 1, registered graphic '38'); supplying the moving substrate with the first graphic (registered graphic '38') to a second converting operation (column 2, lines 32-35); and printing (column 12, lines 25-27) at least one second graphic on the moving substrate [column 6, lines 49-51, (a plurality of distinct and separate graphics)]. Brandon et al. further teaches wherein the second converting operation produces disposable absorbent articles and the moving substrate forms an outer cover (column 11, lines 20-

Art Unit: 1791

28, outer cover '34') of the articles (column 4, lines 43-55 and column 12, lines 47-58), and the moving substrate forms a bodyside liner or an absorbent of the articles (figures 3 and 4, absorbent pad '32').

Brandon et al. fails to objectively teach contact printing utilizing a gravure printer, flexographic printer, offset printer, or screen printer followed by non-contact printing utilizing a wax jet printer, ink jet printer, laser jet printer, or bubble jet printer (column 9, lines 7-10). Travers et al. and Shibuya et al. each teach contact printing a first graphic on a moving web followed by non-contact printing a second graphic on the moving web. (Travers et al.: Column 1, lines 32-34; Column 3, lines 4-14; Column 7, lines 10-37; Shibuya et al.: Column 4, lines 46-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to use contact printing followed by non-contact printing in the method of Brandon et al. because Travers et al. teaches that variable graphics are more easily changed using non-contact printing so the use of contact printing can print non-variable graphics while downstream non-contact printing can print variable graphics depending on the product being made (column 3, lines 4-14, Column 7, lines 10-37). In addition, Shibuya et al. teaches that non-contact printing devices can be easily added on to manufacturing lines already using a contact printing device cheaply and quickly (column 3, lines 40-53, 62-67).

Yeo also shows making a laminated absorbent garment including printing wherein the substrate is a laminate comprising a film layer (column 10, lines 39, polyethylene film) and a nonwoven layer (column 10, lines 40-41, polypropylene spunbonded web) and the first graphic is printed on the film layer and the second

Art Unit: 1791

graphic is printed on the nonwoven layer (column 8, lines 42-48); or wherein the substrate is a laminate comprising a film layer and a nonwoven layer and the first graphic is printed on the nonwoven layer and the second graphic is printed on the nonwoven layer (column 3, lines 33-43); or wherein the substrate is a laminate comprising a film layer and a nonwoven layer and the first graphic is printed on the film layer and the second graphic is printed on the film layer (figure 2, adhesive inks '16,' figure 3, and example 1, column 10, lines 39-49). It would have been obvious to one of ordinary skill in the art at the time of the invention to print the first and second graphics of the method of the references as combined on any combination of the non-woven layer and film layer, whichever is desired by the manufacturer, distributor, or customer, because Yeo teaches that these are all functionally equivalent alternate expedients.

Machida et al. teaches that printing on a disposable absorbent article is conventionally performed in-line at a mid portion of a manufacturing line (column 1, lines 40-45). It would have been obvious to one of ordinary skill in the art at the time of the invention to perform the second printing step of the references as combined on a manufacturing line for absorbent articles because Machida et al. teaches that this is where printing is conventionally performed. Furthermore, it would have been obvious to one of ordinary skill in the art to perform this printing operation at this stage so the printed design could be altered mid run if desired rather than having to replace a roll of preprinted web material with a different roll of preprinted web material.

The references as combined fail to show the claimed location of the graphics.

Art Unit: 1791

Olson et al. shows a method of making an absorbent article with printing thereon wherein the first graphic spanning at least 60% of the width of the outer cover and being visible to the naked eye, the second graphic being positioned within the center third of the width of the outer cover and being visible to the naked eye (Olson, figures 5 and 6, clearly indicate several graphics ('92,' '94,' '96,' and '100') which span at least 60% of the width of the outer cover and being visible to the naked eye). It would have been obvious to one of ordinary skill in the art at the time of the invention to place the graphics of method of the references as combined in the positions shown by Olson et al. to permit better visibility of the graphic for the wearer and to improve appearance of the absorbent article.

Regarding claims 15 and 16, Olson et al. further teaches the absorbent article has a front waist region, a back waist region, and a crotch region connecting the front waist region and the back waist region, and the second graphic is positioned within the front waist region or the back waist region (figures 5 and 6).

Regarding claim 17, Olson et al. teaches, the absorbent article to have a front waist region, a back waist region, and a crotch region connecting the front waist region and the back waist region, further comprising two or more second graphics, at least one second graphic positioned within the front waist region and at least one second graphic positioned within the back waist region [figures 1-6, (the examiner notes that there are several graphics depicted within figures 1-6, it would have been obvious to one of ordinary skill in the art at the time of the invention to position the graphics on either the front waist region, back waist region, or both according to the final appearance desired,

Art Unit: 1791

as taught by Olson), (column 7, line 48 thru column 8, line 34, particularly column 8, lines 7-17)].

3. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandon et al. (U.S. Patent 5,766,389) in view of Travers et al. (U.S. Patent 6,129,264) or Shibuya et al. (U.S. Patent 5,906,156), Odorzynski (U.S. Patent Publication 2005/0149389), and Cammarota et al. Brandon et al. teaches, a method of printing a moving substrate comprising: supplying a moving substrate (figure 5, moving substrate '66,') to a first converting operation (figure 5, moving substrate '66,' and column 2, lines 24-32, and column 13, lines 15-19); printing (column 12, lines 25-27) at least one first graphic on the moving substrate (figure 1, registered graphic '38'); supplying the moving substrate with the first graphic (registered graphic '38') to a second converting operation (column 2, lines 32-35); and printing (column 12, lines 25-27) at least one second graphic on the moving substrate [column 6, lines 49-51, (a plurality of distinct and separate graphics)]. Brandon et al. further teaches wherein the second converting operation produces disposable absorbent articles and the moving substrate forms an outer cover (column 11, lines 20-28, outer cover '34') of the articles (column 4, lines 43-55 and column 12, lines 47-58), and the moving substrate forms a bodyside liner or an absorbent of the articles (figures 3 and 4, absorbent pad '32').

Brandon et al. fails to objectively teach contact printing utilizing a gravure printer, flexographic printer, offset printer, or screen printer followed by non-contact printing utilizing a wax jet printer, ink jet printer, laser jet printer, or bubble jet printer (column 9,

Art Unit: 1791

lines 7-10). Travers et al. and Shibuya et al. each teach contact printing a first graphic on a moving web followed by non-contact printing a second graphic on the moving web. (Travers et al.: Column 1, lines 32-34; Column 3, lines 4-14; Column 7, lines 10-37; Shibuya et al.: Column 4, lines 46-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to use contact printing followed by non-contact printing in the method of Brandon et al. because Travers et al. teaches that variable graphics are more easily changed using non-contact printing so the use of contact printing can print non-variable graphics while downstream non-contact printing can print variable graphics depending on the product being made (column 3, lines 4-14, Column 7, lines 10-37). In addition, Shibuya et al. teaches that non-contact printing devices can be easily added on to manufacturing lines already using a contact printing device cheaply and quickly (column 3, lines 40-53, 62-67).

The references as combined fail to show printing advertising on the absorbent garment.

Odorzynski teaches that advertising can be printed on absorbent garments (paragraphs 23, 29). It would have been obvious to one of ordinary skill in the art at the time of the invention to add advertising to the absorbent garment of the references as combined because Odorzynski teaches that advertising on absorbent garments creates additional revenue (paragraphs 004-009). Furthermore, any known advertising technique, including absence advertisements, would be envisioned by one of ordinary skill in the art from the disclosure of Odorzynski which teaches a wide array of

Art Unit: 1791

advertising techniques and suggest that others are possible (paragraphs 0023, 0027-0034).

Cammarota et al. shows printing a plurality of graphics, 66, 81, 85, 92, 96, 97, on a web wherein graphic 85 is overprinted on graphic 92 (column 17, lines 44-64; Fig. 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to overprint graphics of the method of the references as combined because Cammarota et al. teaches that it is sometimes desirable to print a background graphic and overprint a foreground graphic thereon.

Regarding claim 19, Odorzynski further teaches a contest as part of the advertising ((paragraphs 0030-0031).

Response to Arguments

4. Applicant's arguments filed April 27, 2009 have been fully considered but they are not persuasive. The arguments to claims 14-17 are moot in view of the new ground of rejection. Regarding the arguments to claims 18-20, the Examiner retains the position that any known, conventional advertising technique would have been obvious to one of ordinary skill in the art based upon the combination of references because product designers are aware of all other advertising techniques and employ interchangeably as desired by marketers.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Osele whose telephone number is 571-272-1235. The examiner can normally be reached on M-F 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker can be reached on 571-272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1791

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark A Osele/
Primary Examiner, Art Unit 1791
August 17, 2009